

REQUEST FOR RECONSIDERATION

Applicants wish to thank the Examiner for withdrawing the obviousness rejection under 35 U.S.C. § 103(a). Reconsideration of the claimed invention is requested in view of the following remarks.

The rejection of claims 1-22 for non-statutory obviousness double patenting over claims 1-22 of Yamaguchi et al. (U.S. Patent No. 6,743,558) is respectfully traversed.

According to the Examiner, the present claims and claims of the patent are not patentably distinct from each other, because, as asserted by the Office: “similar manipulation of carrier [particle] size ranges would contribute to improved imaging as directly taught by the patent.” (Present Office Action at page 3, lines 1-2).

However, Applicants point out that there several differences between the carrier particles of the claimed invention and the claims of the patent that cannot and should not be attributed to a mere obvious manipulation of size ranges. Among other things, there is no description or requirement that the carrier particles in the claims of the patent have the number average particle diameter (Dp), Dw/Dp ratio, and *all* of the conditions of the claimed particles. Moreover, there is no indication or suggestion, other than improper hindsight, that the claimed Dp, ratio, and specified conditions would contribute to improved imaging.

For the Examiner’s convenience, Applicants have reproduced below a chart which highlights some of the non-obvious distinctions between the carrier particles.

Claim 1 (Present Application)	Claim 1 (US ‘558)
A <u>carrier</u> comprising carrier particles, said particles comprising a magnetic core and a resin layer covering said core, wherein said carrier particles have a weight average particle diameter Dw which is 22-32 μm and a number average particle diameter Dp which meets with the following condition:	A <u>carrier</u> for electrophotographic developer comprising carrier particles, each carrier particle comprising a magnetic core particle and a resin layer formed on the surface of said magnetic core particle, and said carrier having a magnetic moment of 76 emu/g or more at 1 KOe, and said carrier particles having a weight-average particle diameter (Dw) in a range of 25 to 45 micrometer, and said carrier particles comprising:
$1 < \text{Dw/Dp} < 1.20$	[<u>NO</u> DP or Dw/Dp ratio]

(1) wherein the amount of said carrier particles having a particle diameter of less than 20 μm is no more than 7wt% of the total weight of said particles,	(1) carrier component particles having a diameter of less than 44 micrometer in an amount of 75 wt. % or more,
(2) wherein the amount of said carrier particles having a particle diameter of less than 36 μm is 90-100wt% of the total weight of said particles, and	(2) carrier component particles having a diameter of 62 micrometer or more in an amount of less than 1 wt. %, and
(3) wherein the amount of said carrier particles having a particle diameter of less than 44 μm is 98-100wt% of the total weight of said particles.	(3) carrier component particles having a diameter of less than 22 micrometer in an amount of 7.0 wt. % or less, based on the total amount of said carrier particles.

As shown above, there is no Dp and/or Dw/Dp ratio requirement in the patented claims, and the size ranges and required amounts thereof in the claimed conditions are clearly distinct. As such, in view of these differences and lack of motivation and evidentiary support for varying the claimed conditions, Applicants submit that the claimed invention is not obvious in view of the claims of the patent. Therefore, the double patenting rejection is improper.

Accordingly, withdrawal of the rejection is requested.

Applicants submit that the application is now in condition for allowance. Early notification of such allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

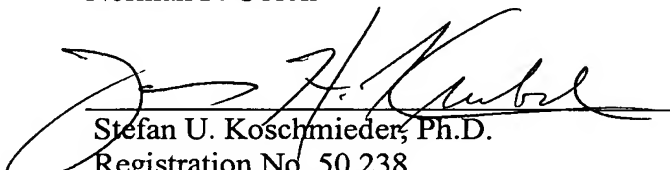
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)


Stefan U. Koschmieder, Ph.D.
Registration No. 50,238
James H. Knebel
Registration No. 22,630